

Remarks

Claims 1-27 and 29-38 are pending in this application. Applicants have amended claims 1 and 27 to clarify the claimed invention. Claims 8-10, 15-26 and 29-38 are withdrawn from consideration by the Examiner as directed to non-elected inventions. Applicants respectfully request favorable reconsideration of this application.

The Examiner rejected claims 1 and 27 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner asserts that the phrase "available first positions" is not disclosed in the specification. Applicants submit that the specification and drawings clearly describe and illustrate that the method includes which first positions are to be handled and when a first position has been handled. This is described at page 2, lines 9-20. In other words, which first positions are available and when the first positions are no longer available.

As described at page 6, lines 9-14, locations of items are registered as first positions. Page 7, lines 5-10, describe how picking machines may be instructed with a list of first positions that exist. In other words, these passages both support the recitation of available first positions. After an item is picked up from a first position, the first position may be marked as "consumed", as described at page 7, lines 27-29. In other words, the first positions are no longer available.

Furthermore, as described at page 8, lines 4-11, the status of the first positions is marked with whether a machine as consumed the first position or not. In other words, the first positions are marked as either being available or not. This is further described at page 8, lines 13-33. This

procedure is further described through out the specification. In addition, this process is illustrated in Figs. 5-7.

There is no requirement that the specification describe a claimed invention verbatim in exactly the same terms that are used in the claims. In spite of the clear support for the term "available", Applicants have amended the claims to delete the term to advance prosecution of this case. Applicants submit that claims 1 and 27 and claims 2-7 and 11-14, which depend thereon, comply with 35 U.S.C. § 112, first paragraph, and respectfully request withdrawal of this rejection. Similarly, Applicants request withdrawal of the objection to the specification.

In view of the above, Applicants submit that this case is now in condition for allowance and request favorable reconsideration of this application and issuance of the notice of allowance.

If an interview would advance the prosecution of this application, Applicants respectfully urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

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